

Exhibit  
H

05/08/17  
12:46:02

## RECEPTION/CLASSIFICATION SYSTEM

LEGAL DATE COMPUTATION

BY: CCNSPAM

COMP DATE/TIME: 05/05/2017 02:04P

TYPE B01 BASIC INDETERMINATE

DIN: 17B0759 NAME: AGEE, JKENDRIC  
DATE RECEIVED: 03/16/2017  
CURRENT LOCATION: ATTICA GEN - 0A-05-30S

NYSID: 02697786L

HEARING DATE	2019 01	TIME ALLOWANCE COMM DATE	2020 07
HEARING TYPE	MERT	TIME ALLOWANCE COMM TYPE	INIT
TENTATIVE RELEASE DATE		POST-RELEASE SUPERVISION	
GRADUATION DATE		PRS MAXIMUM EXPIRATION DT	
IND MINIMUM TERM	0003 00 00	IND MAXIMUM TERM	0006 00 00
DATE RECEIVED	+2017 03 16	DATE RECEIVED	+2017 03 16
JAIL TIME	-0000 04 11	JAIL TIME	-0000 04 11
	----		----
PAROLE ELIGIBILITY DATE	=2019 11 04	MAXIMUM EXPIRATION DATE	=2022 11 04
MERIT TIME POSSIBLE	-0000 06 03	GOOD TIME POSSIBLE	-0002 00 00
	----		----
MERIT ELIGIBILITY DATE	=2019 05 01	CONDITIONAL RELEASE DATE	=2020 11 04

## COMMENTS:

5/5/17 JT CORRECTED 131 (11/5/16 - 3/15/17)

JAIL TIME(S) IN DAYS:

JAIL TIME = 131

DIST: IRC (1), GUID &amp; COUNS UNIT (1), INST PAROLE (1), INMATE (1)



1775 015 1  
CCSE  
CFP  
G  
I

## CAYUGA COUNTY SHERIFF'S OFFICE

## Jail Time



Cayuga County Public Safety Building  
 7445 County House Road  
 Auburn, New York 13021-8297  
 Phone: 315-253-2911  
 Fax: 315-253-6731

David Gould  
 Sheriff

James Stowell  
 Undersheriff

This is to certify that Agee, J'Kendrick J. with a D.O.B of 8/10/1991  
 was in custody from:

From	To	Total
11/5/2016	3/15/2017	131

Originating out of Cayuga County court for the charge(s) of:

1) Poss Dangerous Contraband Ind./doc.# 2016-050  
 2)  Ind./doc.#   
 3)  Ind./doc.#   
 4)  Ind./doc.#

and sentenced under the following indictment/docket(s):

Therefore in accordance with section 70.30 of the New York State Penal Law, the above named is entitled to:

131 Days

Jail time certified by : Buisch Badge#: 7032 Date: 5/5/2017

04/05/17  
14:44:58

RECEPTION/CLASSIFICATION SYSTEM

LEGAL DATE COMPUTATION

BY: C110MLE

COMP DATE/TIME: 03/20/2017 08:48A

TYPE B01 BASIC INDETERMINATE

DIN: 17B0759 NAME: AGEE, JKENDRICK J  
DATE RECEIVED: 03/16/2017  
CURRENT LOCATION: ATTICA GEN - 0A-08-42S

NYSID: 02697786L

HEARING DATE	2018 05	TIME ALLOWANCE COMM DATE	2019 11
HEARING TYPE	MERT	TIME ALLOWANCE COMM TYPE	INIT
TENTATIVE RELEASE DATE		POST-RELEASE SUPERVISION	
GRADUATION DATE		PRS MAXIMUM EXPIRATION DT	
IND MINIMUM TERM	0003 00 00	IND MAXIMUM TERM	0006 00 00
DATE RECEIVED	+2017 03 16	DATE RECEIVED	+2017 03 16
JAIL TIME	-0001 00 07	JAIL TIME	-0001 00 07
	----		----
PAROLE ELIGIBILITY DATE	=2019 03 08	MAXIMUM EXPIRATION DATE	=2022 03 08
MERIT TIME POSSIBLE	-0000 06 03	GOOD TIME POSSIBLE	-0002 00 00
	----		----
MERIT ELIGIBILITY DATE	=2018 09 05	CONDITIONAL RELEASE DATE	=2020 03 08

COMMENTS:

JAIL TIME(S) IN DAYS:  
JAIL TIME = 372

DIST: IRC (1), GUID &amp; COUNS UNIT (1), INST PAROLE (1), INMATE (1)



Exhibit  
I

INMATE ID#: 08B1474 AGEE, JKENDRIC

LOCATION: SH-UF-002

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TIER 2	INCIDENT: 02/17/16 03:55 PM	CO RAZZANO, B D	AUBURN GENER
	HEARING : 02/23/16 01:03 PM	LT ABATE, T C	AUBURN GENER
107.10	INTERFERENCE	107.11 HARASSMENT	106.10 DIRECT ORDER
30 D	KEELOCK	PACKAGE	COMMISSARY
30 D	PHONE		
			SERVICE DTES 02/17/16 03/18/16
			SERVICE DTES 02/17/16 03/18/16
-----			
TIER 2	INCIDENT: 02/03/16 09:40 PM	CO RUSIN, A A	AUBURN GENER
	HEARING : 02/08/16 01:20 PM	LT LEVAC, T A	AUBURN GENER
104.11	VIOLENT CONDUCT	104.13 CREATE DISTURB	100.13 FIGHTING
106.10	DIRECT ORDER		
14 D	KEELOCK	RECREATION	PACKAGE
14 D	COMMISSARY	PHONE	
			SERVICE DTES 02/03/16 02/17/16
			SERVICE DTES 02/03/16 02/17/16
-----			
TIER 3	INCIDENT: 08/14/15 04:50 PM	CO GADSBY, R T	AUBURN GENER
	HEARING : 08/19/15 10:10 AM	CAPT BROWN, M P	AUBURN GENER
104.11	VIOLENT CONDUCT	104.13 CREATE DISTURB	100.13 FIGHTING
106.10	DIRECT ORDER		
30 D	KEELOCK	PACKAGE	COMMISSARY
30 D	PHONE		
15 D	KEELOCK	PACKAGE	COMMISSARY
			SERVICE DTES 08/14/15 09/13/15
			SERVICE DTES 08/14/15 09/13/15
			PHONE
			SUSPD TO 10/18/15
-----			
TIER 2	INCIDENT: 01/03/14 04:18 PM	CO G. WYNN	ATTICA GEN
	HEARING : 01/08/14 01:33 PM	LT SIMMONS	ATTICA GEN
104.11	VIOLENT CONDUCT	104.13 CREATE DISTURB	100.13 FIGHTING
106.10	DIRECT ORDER		
15 D	KEELOCK	PACKAGE	COMMISSARY
15 D	PHONE		
			SERVICE DTES 01/03/14 01/18/14
			SERVICE DTES 01/03/14 01/18/14
-----			
TIER 2	INCIDENT: 06/17/11 07:55 AM	CO B. CHAUVIN	CLINTON GEN
	HEARING : 06/21/11 12:50 PM	LT J MILLER	CLINTON GEN
104.13	CREATE DISTURB	106.10 DIRECT ORDER	
15 D	RECREATION	PACKAGE	COMMISSARY
15 D	PHONE		
			SERVICE DTES 06/17/11 07/02/11
			SERVICE DTES 06/17/11 07/02/11
-----			
TIER 2	INCIDENT: 04/27/11 07:25 AM	CO J. PERIER	CLINTON GEN
	HEARING : 04/29/11 09:38 AM	LT M SNOW	CLINTON GEN
113.15	UNAUTH EXCHANGE	109.10 OUT OF PLACE	109.12 MOVEMENT VIO.
30 D	RECREATION	PACKAGE	COMMISSARY
30 D	PHONE		
15 D	KEELOCK		
			SERVICE DTES 04/29/11 05/29/11
			SERVICE DTES 04/29/11 05/29/11
			SUSPD TO 06/28/11
-----			
TIER 3	INCIDENT: 06/22/10 04:35 PM	CO WOJCIK	FIVE POINTS
	HEARING : 07/01/10 09:25 AM	CAPT J. LAMANNA	FIVE POINTS
	DIS.REV : 08/09/10	CAPT DRC	CAYUG SHU200
113.25	DRUG POSSESSION		
2 M	18 D SHU	RECREATION	PACKAGE
2 M	18 D COMMISSARY	PHONE	
2 M	GOOD TIME		
			SERVICE DTES 06/22/10 09/09/10
			SERVICE DTES 06/22/10 09/09/10
-----			
TIER 2	INCIDENT: 06/03/10 03:30 PM	CO THOMAS	FIVE POINTS
	HEARING : 06/07/10 10:25 AM	LT GIANNINO	FIVE POINTS
106.10	DIRECT ORDER	109.10 OUT OF PLACE	
10 D	NONPROG HRS	PACKAGE	COMMISSARY
10 D	PHONE		
			SERVICE DTES 06/03/10 06/13/10
			SERVICE DTES 06/03/10 06/13/10
-----			
TIER 3	INCIDENT: 11/22/09 12:30 PM	CO W. KUBIAK	WENDE
	HEARING : 11/24/09 09:34 AM	EDIR FURLANI	WENDE

NOTE: ONLY COMPLETED HEARINGS ARE SHOWN



INMATE ID#: 08B1474 AGEE, JKENDRIC

LOCATION: SH-UF-002

DIS.REV : 01/25/10 CAPT /DRC ORLNS SHU200

104.11 VIOLENT CONDUCT 104.13 CREATE DISTURB 100.13 FIGHTING

106.10 DIRECT ORDER

2 M 23 D KEYPLOCK SERVICE DTES 11/22/09 02/14/10

2 M 23 D PACKAGE SERVICE DTES 11/22/09 02/14/10

2 M 23 D COMMISSARY SERVICE DTES 11/22/09 02/14/10

2 M 23 D PHONE SERVICE DTES 11/22/09 02/14/10

2 M 7 D KEYPLOCK PACKAGE COMMISSARY PHONE SUSPD TO 05/23/10

TIER 2 INCIDENT: 09/23/09 07:25 AM CO J MORAN WENDE

HEARING : 09/28/09 10:03 AM LT KEENNA WENDE

104.13 CREATE DISTURB 100.15 DISORDERLY COND

15 D KEYPLOCK RECREATION PACKAGE SERVICE DTES 09/23/09 10/08/09

15 D COMMISSARY PHONE SERVICE DTES 09/23/09 10/08/09

15 D PERSONAL TV SERVICE DTES 09/28/09 10/13/09

5 D KEYPLOCK RECREATION PACKAGE COMMISSARY SUSPD TO 10/28/09

5 D PHONE PERSONAL TV SUSPD TO 10/28/09

REFERRALS /

TIER 2 INCIDENT: 06/21/09 05:20 PM CO M. MACK WENDE

HEARING : 06/24/09 02:43 PM LT KEENAN WENDE

104.11 VIOLENT CONDUCT 104.13 CREATE DISTURB 100.13 FIGHTING

106.10 DIRECT ORDER

20 D KEYPLOCK RECREATION PACKAGE SERVICE DTES 06/21/09 07/11/09

20 D COMMISSARY PHONE SERVICE DTES 06/21/09 07/11/09

20 D PERSONAL TV SERVICE DTES 06/24/09 07/14/09

TIER 3 INCIDENT: 07/09/08 09:00 PM CO BARRIS GREENE

ADDITIONAL OFFICERS: CO BOUVIA

HEARING : 07/16/08 10:23 AM EDIR MCDONAGH GREEN SHU200

113.10 WEAPON 104.11 VIOLENT CONDUCT 100.13 FIGHTING

106.10 DIRECT ORDER

5 M SHU PACKAGE COMMISSARY SERVICE DTES 07/09/08 12/09/08

5 M PHONE SERVICE DTES 07/09/08 12/09/08

3 M GOOD TIME

TIER 2 INCIDENT: 06/06/08 03:10 PM CO FLINT GREENE

HEARING : 06/11/08 05:03 PM LT MOHONEY GREENE

106.10 DIRECT ORDER

COUNSEL /

TIER 2 INCIDENT: 05/23/08 09:00 AM SGT ROBINSON ELMIRA RECEP

HEARING : 06/03/08 09:15 AM LT ROBBIANI GREENE

180.11 FACIL CORRESPOND

15 D RECREATION SERVICE DTES 06/03/08 06/18/08

30 D KEYPLOCK SUSPD TO 09/01/08

NOTE: ONLY COMPLETED HEARINGS ARE SHOWN

\*\*\*SUCCESSFUL PRINT COMPLETION\*\*\*

Exhibit



D'kendric J. Agee 1780759  
Clinton Correctional Facility  
P.O. Box 2000  
Dannemora, New York 12929

April 17<sup>th</sup>, 2018

Mrs. Sherri Guzylak, Inmate Record Coordinator II  
Auburn Correctional Facility  
135 State Street  
Auburn, New York 13021

Re: People v. D'kendrick Agee

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Mrs. Guzylak,

As you know, you were a witness at my trial in the above stated matter. I am preparing a CPL § 440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits (CPL § 440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. Who authorized you to turn over exonerated evidence to the Cayuga County District Attorney's Office?

2. When did Mr. Brian Lerds obtain certain evidence including the alleged misbehavior report, the contraband in question, the fake request for urinalysis, and any other miscellaneous exonerated evidence in relation to this matter?



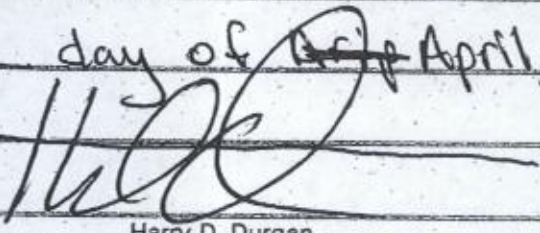
3. Did The Facility CPH [at the time of March 8<sup>th</sup>, 2016] ever inform you ~~that~~<sup>or</sup> any other member of the Inmate Records Coordinator's Office that this matter was adequately submitted [to the District Attorney's Office and appropriate police agency] and later, accepted for criminal prosecution by the D.A.'s office?

4. Are you aware of any Information/Evidence Packet Form No. ~~0906910A~~<sup>0906910A</sup> ever being completed?

Thank you in advance for your kind cooperation.

Respectfully Submitted,  
Kendric J. Cizee  
Defendant.

Subscribed and sworn before me this  
19 day of ~~Apr~~ April, 2018

  
Harry D. Durgan  
Notary Public, State of New York  
No. 01DU6008379  
Qualified in Clinton County  
Commission Expires 6/30/18



J'Kendrick J. Agee No. 17180789

Clinton Correctional Facility

P.O. Box 2000

Dannemora, New York 12929

Office Of Special Investigation

The Harriman State Campus, Build. 2

1220 WASHINGTON AVE.

ALBANY, NEW YORK 12226-2050

April 17<sup>th</sup>, 2018

Reason: The People v. J'Kendrick Agee

Cayuga County Indictment No. 2016-050

Dear Sir or Madam,

If this Office is not aware, the defendant in the above stated matter was convicted after a jury of his peers found him guilty of Promoting dangerous prison contraband in the first degree which was not on the merits because ~~the~~ I never received an misbehavior report. I am preparing a CPL §440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits (CPL §440.30[4][D][i]). Toward that end, I would appreciate an affidavit from this office answering the following questions:

1. Was this office ever made aware of this situation in any shape, fashion or form?

2. Is ANY Correctional Facility allowed to



distribute expuned records in any shape fashion, or form?

3. Why was there no Information/Evidence Packet Form No. 6910A ever completed in this matter and without such sheet is jurisdiction establish for criminal prosecution?

4. Did the Superintendent ever confer with OSI the merits of this case for outside prosecution?

5. Is this office aware of the fact that this matter was not adequately submitted for criminal prosecution? [somehow the District Attorney became aware of this matter less than 24 hours before I was due to be released from DOCCS care, custody and control than assistant district Attorney Mr. Brian T. Leeds removed paperwork directly from his file and directed New York State Police Inv. Mr. Brett E. Stover to simply copy what was on the Unusual Incident report onto an Felony Complaint simply to secure an conviction]

6. Was Proper protocol used by DOCCS staff, why wasn't such protocol in accordance to DOCCS directive No. 6910 followed and, why is the defendant being punished for somebody else's actions?

7. Is it possible that someone from the Office would be able to explain to the Courts under oath the proper DOCCS protocol in Cayuga County for the Criminal Prosecution of inmate?



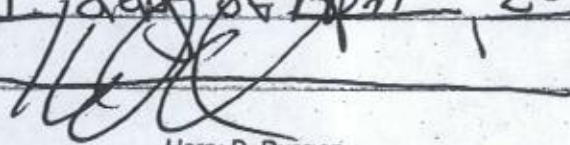
Thank you in advance for your kind cooperation.

Respectfully Submitted,


Frederic J. Ayer  
Defendant

Sworn to before me this

19 day of April, 2018



Harry D. Durgan  
Notary Public, State of New York  
No. 01DU6008379  
Qualified in Clinton County  
Commission Expires





J'kendrick J. Agee No. 17B0789

Clinton Correctional Facility  
P.O. Box 2000

Dannemora, New York 12929

Office Of Special Investigation

The Harriman State Campus, Build. 2

1220 WASHINGTON AVE.

ALBANY, NEW YORK 12226-2050

April 17<sup>th</sup>, 2018

Reason: The People v. J'kendrick Agee

Cayuga County Indictment No. 2016-050

Dear Sir or Madam,

If this Office is not aware, the defendant in the above stated matter was convicted after a jury of his peers found him guilty of promoting dangerous prison contraband in the first degree which was not on the merits because ~~the~~ I never received an misbehavior report. I am preparing a CPL §440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits (CPL §440.30[4][D][i]). Toward that end, I would appreciate an affidavit from this office answering the following questions:

1. Was this office ever made aware of this situation in any shape, fashion or form?

2. Is ANY correctional facility allowed to



distribute expunded records in any shape fashion, or form?

3. Why was there no Information/Evidence Packet Form No. 6910A ever completed in this matter and without such sheet is jurisdiction establish for criminal prosecution?

4. Did the Superintendent ever confer with OSI the merits of this case for outside prosecution?

5. Is this office aware of the fact that this matter was not adequately submitted for criminal prosecution? [somehow the District Attorney became aware of this matter less than 24 hours before I was due to be released from DOCCS care, custody and control than assistant district Attorney Mr. Brian T. Leeds removed paperwork directly from his file and directed New York State Police Inv. Mr. Brett E. Stover to simply copy what was on the Unusual Incident report onto an Felony Complaint simply to secure an conviction]

6. Was Proper protocol used by DOCCS staff, why wasn't such protocol in accordance to DOCCS directive No. 6910 followed and, why is the defendant being punished for somebody else's actions?

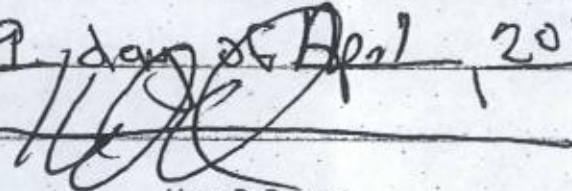
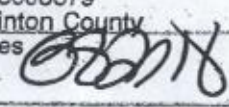
7. Is it possible that someone from the Office would be able to explain to the Courts under oath the proper DOCCS protocol in Cayuga County for the Criminal Prosecution of inmate?



Thank you in advance for your kind cooperation.

Respectfully Submitted,  
Gwendolyn J. Ayde  
Defendant

Sworn to before me this  
19 day of April, 2018

  
Harry D. Durgan  
Notary Public, State of New York  
No. 01DU6008379  
Qualified in Clinton County  
Commission Expires 



J'hendric J. Agree 1780759  
Clinton Correctional Facility  
P.O. Box 2000

Danremora, New York 12929

April 19<sup>th</sup>, 2018

Deputy Commissioner For Correctional Facilities  
Mr. Joseph Bellnier  
Department of Correctional and Community Supervision  
1220 Washington Ave., Bldg. 9,  
Albany, New York 12226

Reason: The People v. J'hendrick Agree

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Mr. Bellnier,

I am the defendant in the above stated matter which is a Promoting Prison Contraband case in which an C.O. from Auburn Correctional Facility alleges that he found a weapon on my persons 10 days prior to my release from DOCCS care, custody and control on the 28<sup>th</sup> day of February, 2016, which I never received an misbehavior report for. I am preparing a CPL § 440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits CPL § 440.30 [4] [d] [i]. Toward that end I would appreciate an affidavit from you answering the following questions:

1. How is it possible that I was criminally prosecuted when I never received an misbehavior report for the alleged incident?

2. Is there any proof that an Information/Evidence Packet Form No. 6910A, regarding the above stated incident, exist and was adequately submitted to the Cayuga County District Attorney's Office and the New York State Police?



3. Is it possible that an Assistant District Attorney can adequately obtain expunged records from any DOCCS employee for any reason?

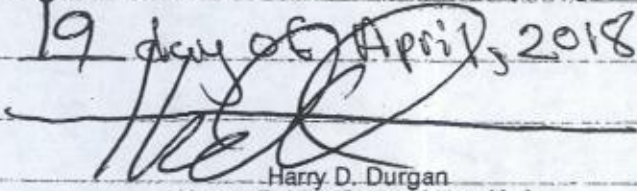
4. Where you ever notified of this matter in any way?

5. According to DOCCS protocol should the Superintendent had contacted you or OSI if he became aware of such special circumstances regarding this matter?

That will be all thank you in advance for your kind cooperation

Respectfully Submitted,  
Kendrick F. Agle  
Defendant.

Sworn before me this  
19 day of April, 2018

  
Harry D. Durgan  
Notary Public, State of New York  
No. 01DU6008379  
Qualified in Clinton County  
Commission Expires 2021



J'kendrick J. Agee 1780759  
Clinton Correctional Facility  
P.O. Box 2000  
Dannemora, New York 12929

April 17<sup>th</sup>, 2018

Mrs. Sherri Guzylak, Inmate Record Coordinator II  
Auburn Correctional Facility  
135 State Street  
Auburn, New York 13021

Re: People v. J'kendrick Agee

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Mrs. Guzylak,

As you know, you were a witness at my trial in the above stated matter. I am preparing a CPL § 440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits (CPL § 440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. Who authorized you to turn over expuned evidence to the Cayuga County district Attorney's office?

2. When did Mr. Brian Lerds obtain certain evidence including the alleged misbehavior report, the contraband in question, the fake request for Urinalysis, and any other miscellaneous expuned evidence in relation to this matter.



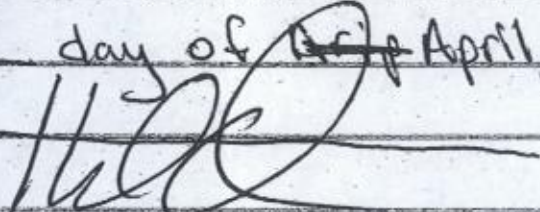
3. Did The Facility CPH [at the time of March 8<sup>th</sup>, 2016] ever inform you ~~that~~<sup>or</sup> any other member of the Inmate Records Coordinator's Office that this matter was adequately submitted [to the District Attorney's Office and appropriate police agency] and later, accepted for criminal prosecution by the D.A.'s office?

4. Are you aware of any Information/Evidence Packet Form No. ~~0906910A~~ ever being completed?

Thank you in advance for your kind cooperation.

Respectfully Submitted,  
Glendia J. Agee  
Defendant.

Subscribed and sworn before me this  
19 day of ~~Apr~~ April, 2018

  
Harry D. Durgan  
Notary Public, State of New York  
No. 01DU6008379  
Qualified in Clinton County  
Commission Expires

582018



J'Kendrick J. Agee 17B0759  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, NY 12929

May 3<sup>rd</sup>, 2018

G. Robinson, Deputy Superintendent of Security  
Auburn Correctional Facility  
135 State Street  
Auburn, NY

Reason: The People v. J'Kendrick Agee  
Cayuga County Indict. No. 2016-050 (Sealed)

Dear Sir or Madam,

As you may or may not be aware of the above stated matter were I was an inmate at Auburn where an L.O. by name of Mr. Keith E. Vincent II ~~alleged~~ alleged that he removed an razor type weapon from my persons on the 28<sup>th</sup> day of February, 2016, ten days prior to my release [I was convicted after an jury trial]. I am preparing a CPL § 440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavits (CPL § 440.30 [4] [d] [i]). Towards that end I would appreciate an affidavit from you



answering the following questions:

1. Can you describe the policy used during the deposit or removal of evidence/contraband from the secure evidence locker, secure evidence drop box, or the evidence control area.

2. What are the Pat Frisk procedures for an inmate attempting to proceed to keeplock recreation?

3. Were you made aware of this situation in any way prior to the 8<sup>th</sup> day of March, 2016?

4. To your knowledge was any DOCS employee ever in contact with any police agency in regards to this matter?

5. What is the two person access system utilized when accessing the "serious/dangerous" contraband room/locker in all areas where contraband/evidence is stored, at Auburn Correctional Facility?

6. Did you authorize the disposition of contraband/evidence in the above stated matter?

7. What is the adequate method used ~~return~~ disposition of contraband ordered expunged from an inmate's institutional



and departmental files?

8. Did you authorize ADA Mr. Brian T. Leeds, Esq., to come into Auburn Correctional Facility and remove contraband from "secure" evidence locker?

9. Was an Contraband/Evidence Photograph Card utilized in this matter?

Respectfully Submitted,  
Kendall J. Ayee  
Defendant, Pro Se.

Sworn to before me  
3rd day of May, 2018  
Mark J. Wilson

Mark J. Wilson  
Notary Public, State of New York  
No. 01W16354425  
Qualified in Clinton County  
Commission Expires 02/06/2021



J Kendrick J. Agee ITB0759  
Clinton Correctional Facility  
P.O. Box 2000  
Dannemora, New York 12929

April 19<sup>th</sup>, 2018

Superintendent Mr. Harold D. Graham  
Auburn Correctional Facility  
135 State Street  
Auburn, New York 13021

Re: The People v. J Kendrick J. Agee  
Cayuga County Indictment No. 2016-050 (Sealed)

Dear Mr. Graham,

As you may or may not be aware of the fact that an officer [C.O.] at your facility by the name of Mr. Keith E. Vincent II alleged that he personally removed contraband from my persons on the 28<sup>th</sup> day of February 2016 at approx. 9:20 am. I was later charged criminally in reference to this incident on the 9<sup>th</sup> day of March, 2016, the day I was due to be released from DOCS care, custody and control. I was later convicted by a jury of my peers of Promoting Dangerous Prison Contraband in the first degree on the 18<sup>th</sup> day of November, 2016. Now I am preparing a CPL §440.10 motion to vacate the judgment of conviction. All allegations of fact essential (CPL §440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. Did you ever evaluate the above stated matter for apparent criminal violation for possible referral for criminal prosecution?

2. What is established protocol with Auburn Correctional



Facility with the Cayuga County District Attorney's Office and State and local police or investigative officials?

3. Did you notify the Facility CPL that this incident would be referred for outside prosecution?

4. Were you aware that on the 22<sup>th</sup> day of March, 2016, Cayuga County ADA Mr. Brian T. Leeds, Esq., entered Auburn Correctional Facility and obtained expunged evidence in regards to this matter including a misbehavior report, request for urinalysis, the alleged contraband in question and other miscellaneous expunged evidence in relation to this matter?

5. Are you aware of an actual Information/Evidence Packet Form No. 6910A, being complete regarding this incident?

6. If so, why wasn't all required information as listed on such ~~a~~ sheet checklist obtained and included on such form?

7. Are you aware of the fact that Cayuga County ADA Mr. Brian T. Leeds, Esq., supplied New York State Police Investigator Mr. Brett Stover with information that he kept in his files and instructed Mr. Stover to write what was on a fake U.I. report onto a felony complaint to establish jurisdiction over me exactly one day before I was due to be released from Auburn Correctional Facility?

8. Is there any 6 digit CCC No. in relation to this matter?

9. Did this matter ever appear in any "Quarterly Report of Pending Inmate Criminal Prosecution Cases"?

10. Were you aware that several Auburn Correctional



Facility staff members testified at the above stated trial?

10. If you where aware of any of the special circumstances regarding this matter why didn't you contact OSI?

Thank you in advance for you kind cooperation.

Respectfully Requested,  
Glenn J. Agee  
Defendant.

Sworn to before me  
19<sup>th</sup> day of April, 2018

Harry D. Durgan  
Notary Public, State of New York  
No: 01DU6008379  
Qualified in Clinton County  
Commission Expires

2021



J'kendric J. Agree 1780759  
Clinton Correctional Facility  
P.O. Box 2000

Dannemora, NY 12929

April 22<sup>th</sup>, 2018

Evidence Control Supervisor  
Auburn Correctional Facility  
135 State Street

Auburn, New York 13021

Reason: ~~People v. J'kendrick Agree~~ <sup>The People v.</sup> J'kendrick Agree

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Sir or Madam,

You may or may not be aware of the fact that I was convicted of Promoting Prison Contraband in the first degree by a jury of my peers, in connection with an incident that occurred on the 28<sup>th</sup> day of February, 2016, at approx. 9:20am when I was an inmate at Auburn Correctional Facility locking on O Block 7-27. I am preparing a CPL §440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavit (CPL §440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. On the 28<sup>th</sup> day of February, 2016, and the 22<sup>th</sup> day of March, 2016 did you or whoever held your position prior to you, have direct oversight of the



general contraband locker and evidence control area?

2. If so, did you ever notice Mr. Keith E. Vincent II [C.O.] drop anything in the drop box at any time on the 28<sup>th</sup> day of February, 2016, and can you produce any paperwork stating so or are you willing to state in ~~the~~ front of a Court, under oath if Mr. Vincent Actually Dropped anything in such box?

3. Where you or any appropriate Security Supervisor present when C.O. Mr. Keith E. Vincent II dropped alleged contraband on the 28<sup>th</sup> day of February, 2016, into secure evidence drop box or the evidence control area?

4. Where you or any appropriate Security Supervisor present when Cayuga County ADA Mr. Brian T. Leeds, Esq., removed alleged contraband from secure evidence locker or the evidence control area on the 22<sup>th</sup> day of March, 2016?

5. Did you ensure all procedures as outlined within DOCCS Directive No. 4910A, Contraband/Evidence - Handling, Storage, and Disposition, related to evidence collection, classification, reporting, storage, and disposition were followed regarding the alleged contraband deposit made by C.O. Mr. Keith Vincent on the 28<sup>th</sup> day of February, 2016?

6. At any point where you ever in contact with local or State police regarding the disposition of the alleged contraband that C.O. Mr. Keith E. Vincent



alleges that he found on my persons?

7. Did you ensure that proper procedures were being followed regarding items no longer appropriate to be retained where purged on the 9<sup>th</sup> and 22<sup>th</sup> day of March, 2016, and the disposition of ~~the~~ contraband that C.O. Mr. Vincent alleged that I possessed on my ~~person~~<sup>persons</sup> was thoroughly documented in accordance with Directive No. 4910A, for logging, storage, and disposition?

8. Did you write a Memorandum detailing this inspection and note any discrepancies and forward them to the Deputy Superintendent for Security or equivalent for review?

9. Which locker was such evidence placed in "general contraband locker" or "evidence storage area"?

10. Utilizing the two person access ~~at~~ system for entry documented in a control logbook for deposit/removal of evidence. Evidence log stamp must be utilized to ensure the accuracy of information entered into log. The storage and disposition of all evidence shall be a two person system. Who are the two people who utilized restricted key rings which is assigned to and utilized by you or appropriate authorized designee as defined in Directive No. 4910A and whose issuance will be in accordance with Directive No. 4092, "Key Control"?

11. The presence of the Evidence Control Supervisor or other appropriate Security Supervisor as designed by



The Deputy Superintendent for Security or equivalent is absolute during the deposit or removal of evidence from all storage locker(s) or area(s) as defined above and throughout ~~this~~ directive No. 4910A. Where you present when ADA Mr. Brian Leeds, Esq., removed such evidence from storage locker(s) or area(s)? Or ~~was~~<sup>was</sup> some other security supervisor present?

12. Was such process [the storage and disposition] witnessed by a Department employee or other law enforcement representative?

13. If so, who [Notice: ADA Mr. Brian Leeds is not a law enforcement representative - he is a Prosecutor]?

14. Did C.O. Mr Keith Vincent, the first officer to possess the alleged contraband, transport and record the contraband to you, or designee, as soon as possible?

15. Is there a bound book containing logs and pre-numbered pages maintained at Auburn Correctional Facility?

16. Was such contraband ever assigned a facility evidence control number and was such number recorded by the Facility Watch Commander in a log maintained within the Watch Commander's office?

17. You must inspect, at least quarterly, all contraband/Evidence storage lockers/areas to check inventories and ensure that proper procedures are being



Followed, items no longer necessary or appropriate to be retained are purged, and the disposition of all contraband is thoroughly documented in accordance with this policy [Directive No. 4910A] for logging, storage, and disposition correct?

18. Every facility shall establish a point of contact with the New York State Police or local law enforcement agency, whereby an agreement is in place for the surrender/disposal of contraband. Such surrender must be noted in evidence control area logbook and on any pertinent chain-of-custody evidence. A receipt must be obtained and retained by you. Do you have such receipt?

19. Why wasn't the Department's Office of Special Investigations contacted when this facility was not able to contact the State Police or local law enforcement before the defendant was released any the above stated matter was ordered expunged?

20. How was ADA Mr. Brian T. Leeds, Esq. able to obtain expunged evidence 13 days after it was ordered expunged and who ordered that such contraband be turned over to him?

Thank you in advance for your help.

Sworn to before me

19<sup>th</sup> day of Jan 2018

Harry D. Durgan  
Notary Public, State of New York  
No. 01DU6008379  
Qualified in Clinton County  
Commission Expires 2021

Respectfully,

Frederick Agre  
Defendant



J'hendric J. Agee Din No. 1780759  
Clinton Correctional Facility  
P.O. Box 2000

Danremora, New York 12929

April 17<sup>th</sup>, 2018

Criminal Prosecution Liaison  
Auburn Correctional Facility  
~~P.O. Box 2000~~ 135 State Street  
Auburn, New York 13021

Reason: ~~The~~ People v. J'hendrick Agee

Cayuga County Indictment No. 2016-050 (Sealed)

Dear Sir or Madam,

If you are aware, I was convicted of Promoting Dangerous Prison Contraband in the first degree after a jury of my peers convicted me of the 17<sup>th</sup> day of November, 2016. I am preparing a CPL §440.10 motion to vacate the judgment of conviction. All allegations of fact essential to support the motion must be supported by affidavit (CPL §440.30 [4] [d] [i]). Toward that end I would appreciate an affidavit from you answering the following questions:

1. Did you [or who held your position on the 8<sup>th</sup> day of March, 2016] ever prepare an Information/Evidence Packet in accordance with DOCS directive No. 6910, in relation to Unusual Incident Report No. 160060?

2. If not, do you possess the knowledge to explain why such Form was not completed and, still I was prosecuted?

3. Did you authorize [or is it any proof that who held your position on the 22 day of March, 2016] Cayuga County ADA Mr. Brian T. Leeds, Esq., to enter



Auburn Correctional Facility and obtain expunged evidence in relation to U.I. No. 160060 [including the fake misbehavior report, the alleged contraband in question, a fake Urinalysis (Request) and other miscellaneous expunged evidence in relation to this matter]?

4. If so, did you know that such action is not within accordance with DOCCS rules and regulations?

5. Did you ever oversee any aspect of this matter [The prosecution of Mr. Kendrick Agoo]?

6. If so, did you recognize any unusual circumstances?

7. Did you [or whoever held your position prior to you] submit a copy of an incomplete Information/Evidence Packet to the Cayuga County District Attorney Office and the appropriate police agency?

8. If so, why did the District Attorney's Office of Cayuga County representative Mr. Brian Leeds, Esq. supply New York State Police Investigator Mr. Brett E. Stover with information kept in his file so Mr. Stover would have enough information to file a Felony complaint and why would Mr. Stover state under oath that he never had any contact with anyone besides Mr. Brian T. Leeds, Esq. in regards to this matter?

9. Did you [or anyone who held your position prior to you] utilize Form No. 6910 C "Quarterly Report of Pending Inmate Criminal Prosecution Cases" and report the status of each pending case to OSI Form March 9th 2016 to March 9th, 2017?

10. If so, did my case ever appear in any such "Quarterly Reports"?

11. Does the above named Defendant have a 6 digit CC# (not the Facility U.I. No.)?



Thank you for your kind cooperation in advance.

Respectfully Submitted,

*Gwendolyn J. Agui*

Sworn to before me this  
19 day of April, 2018

Harry D. Durgan  
Notary Public, State of New York  
No. 01DU6008379  
Qualified in Clinton County  
Commission Expires 2021